IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1918 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/04/2004 in WP No: 7387 OF 2004 on the file of the High Court.)

Between:

Md. Mukthar Pasha S/o Md. Khalid,
R/o B-II/151, Pylon Colony, Nagarjuna Sagar, Nalgonda District

..... APPELLANT

AND

1 The Chief Engineer (Electrical Operational & Maintenance), A.P. GENCO. Limted, Srisailam Project
Srisailam, Kurnool district
2 The Superintending Engineer, O&M Circle, Nagarjuna Sagar, Nalgonda District

.....RESPONDENTS

Counsel for the Appellant: MR.P.SRIDHAR RAO

Counsel for the Respondent No.: SMT.K.SESHARAJYAM (SC FOR AP GENCO)

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Appeal is filed against the order, dated 27.04.2004 passed by the learned single Judge in W.P.No.7387 of 2004.

2. The matter relates to the absorption of contract labour in the service of A.P. GENCO in pursuance of the B.P.(P&G) PR Ms.Nos.36 and 37 dated 18-5-1997. When the case of the petitioner was not considered for absorption, he filed the Writ Petition in W.P.No.7387 of 2004.

3. Learned single Judge holding that he did not produce any certificate, dismissed the writ petition by an order, dated 27.4.2004, against which the present Writ Appeal has been filed.

4. Learned counsel for the appellant submits that the appellant was ex-contract labour and he fulfils all the conditions laid down in B.P.Ms.No.36 and therefore, the reasons assigned in the rejection order will be illegal and contrary to law. The learned single Judge has not taken into consideration the certificates possessed by the petitioner.

5. We have also heard the learned standing counsel for the management.

6. Learned single Judge has categorically observed that he did not file the copies of the certificates into the Court. On this ground alone the writ petition was dismissed. But however, the learned counsel for the appellant now produced some of the certificates to establish his case on merits in pursuance of B.P.Ms.No.36. In view of

this, we find that one more opportunity should be given to the appellant to consider his case if he is a *bona fide* candidate eligible for consideration.

7. Under those circumstances, we set aside the order of the learned single Judge and dispose of the writ appeal with a direction that the respondents shall consider the case of the appellant with reference to the certificate and other documents produced by him and pass appropriate orders. This exercise shall be done within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the Writ Appeal is disposed of. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARYANA, J.)

Date: 02-12-2004

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NOTE:- Issue copy in a week.

B/o.

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To

1 The Chief Engineer (Electrical Operational & Maintenance), A.P. GENCO. Limted, Srisailam Project
Srisailam, Kurnool district
2 The Superintending Engineer, O&M Circle, Nagarjuna Sagar, Nalgonda District

3 The Principal District Judge, Nalgonda.

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